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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 2439 of 2026
in CRL A No. 171 of 2026

Sankar @ Siva

..Petitioner(s)

Vs

The State rep. by
The Inspector of police,
All Women Police Station,
Rasipuram, Namakkal District.
Crime No.10/2020

..Respondent(s)

Prayer: The Criminal Miscellaneous Petition is filed under Section 430(1) r/w 483of BNSS, to suspend the sentence imposed against the petitioner in Spl.C.C.No.13/2021 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, Namakkal District dated 29.04.2024 and enlarge the petitioner on bail pending disposal of the Crl.A.No.171 of 2026.

For Petitioner(s): Ms.S.Priyadharshini

For Respondent(s): Ms.Sharada Vivek,
Additional Public Prosecutor

ORDER

The appeal challenges the Judgment passed Spl.C.C.No.13 of 2021 holding the petitioner guilty of the offences under Section 5(l) r/w 6 (2 counts) of the POCSO Act and sentencing him to 20 years rigorous imprisonment and

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to pay a fine of Rs.1000/- and in default, to undergo three months simple imprisonment for each count.

2.The case of the prosecution is that the petitioner had committed penetrative sexual assault on two victim girls aged about 11 and 12 years, at the time of occurrence, continuously on several occasions, by luring the victims, by giving them chocolates and paying them money and by taking advantage of their poverty. It is the further case of the prosecution that not only the petitioner but, several other persons were also involved in similar act and they were separately prosecuted.

3.The learned counsel for the petitioner would submit that one such accused, who was similarly prosecuted in Spl.C.C.No.10 of 2021, had filed a petition seeking suspension of sentence before this Court and this Court by the order dated 04.11.2025 had allowed the petition by considering his period of incarceration; that the petitioner is in custody from 12.10.2020 and hence, prayed for suspension of sentence.

4.Heard the learned Additional Public Prosecutor, who confirms that the sentence imposed on the similarly placed accused, who was prosecuted independently in Spl.C.C.No.10 2021, was suspended by this Court in Crl.M.P.No.20303 of 2025 in Crl.A.No.1276 of 2024.

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5.Admittedly, the similarly placed accused, who was prosecuted independently was granted the relief of suspension of sentence by the order dated 04.11.2025 in Crl.M.P.No.20303 of 2025 in Crl.A.No.1276 of 2024. The petitioner is in custody from 12.10.2020. The appeal has been filed belatedly and is not likely to be taken up in the near future. The petitioner has raised substantial grounds in the above appeal, which requires consideration. Considering all the above facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal, and the petitioner is ordered to be released on bail on the following conditions:

(a).The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, Namakkal District;

(b).The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(c).The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the

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Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

11-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy 11.11.2026.

To

1.The Inspector of police,
All Women Police Station,
Rasipuram, Namakkal District.
Crime No.10/2020.

2.The Sessions Judge,
Magalir Neethimandram
(Fast Track Mahila Court),
Namakkal, Namakkal District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

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